

John H. Eickemeyer (JE-8302)  
Daniel C. Green (DG-0059)  
VEDDER PRICE P.C.  
1633 Broadway, 47th Floor  
New York, New York 10019

Daniel J. Standish (*pro hac vice*)  
Marc E. Rindner (*pro hac vice*)  
Cara Tseng Duffield (*pro hac vice*)  
WILEY REIN LLP  
1776 K Street NW  
Washington, D.C. 20006

*Attorneys for Defendant Arch Insurance Company*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

**JOSEPH MURPHY, et al.,**

**Plaintiffs,**

**v.**

**ALLIED WORLD ASSURANCE  
COMPANY (U.S.), INC. and ARCH  
INSURANCE COMPANY,**

**Defendants.**

---

**No. 08-CIV-4196 (GEL)  
ECF Case**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT upon the accompanying Declaration of John H. Eickemeyer, Esq., dated July 11, 2008, and the exhibits referenced therein, the Memorandum of Law and accompanying Statement of Uncontested Material Facts, made pursuant to Local Rule 56.1, concurrently filed in the action styled *Arch Insurance Company v. John D. Agoglia, et al.*, 08-civ-5252 (GEL), and all the papers and proceedings heretofore had herein, defendant Arch Insurance Company (“Arch”), by its attorneys, will move this Court, at the Daniel Patrick Moynihan United States

Courthouse, 500 Pearl St., New York, New York, Courtroom 6B, on August 18, 2008 at 10:00 a.m., before the Hon. Gerard E. Lynch, for a declaration pursuant to Rule 56 of the Federal Rules of Civil Procedure, that the directors and officers liability insurance policy Arch issued to Refco, Inc. affords no coverage for various former Refco, Inc. directors and officers in connection with various criminal and civil proceedings, awarding Arch its reasonable costs and disbursements incurred on this motion, and granting such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to this Court's Order of July 2, 2008, opposing papers, if any, shall be filed no later than August 8, 2008, and Arch's reply papers, if any, shall be filed no later than August 15, 2008.

Date: July 11, 2008

Respectfully submitted,

By: s/ John H. Eickemeyer  
John H. Eickemeyer (JE-8302)  
[jeickemeyer@vedderprice.com](mailto:jeickemeyer@vedderprice.com)  
Daniel C. Green (DG-0059)  
[dgreen@vedderprice.com](mailto:dgreen@vedderprice.com)  
VEDDER PRICE P.C.  
1633 Broadway, 47th Floor  
New York, New York 10019  
(212) 407-7700

OF COUNSEL:

Daniel J. Standish (admitted *pro hac vice*)  
[dstandish@wileyrein.com](mailto:dstandish@wileyrein.com)  
Marc E. Rindner (admitted *pro hac vice*)  
[mrindner@wileyrein.com](mailto:mrindner@wileyrein.com)  
Cara Tseng Duffield (admitted *pro hac vice*)  
[cduffield@wileyrein.com](mailto:cduffield@wileyrein.com)  
WILEY REIN LLP  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 719-7000

*Counsel for Defendant Arch Insurance  
Company*